

REPLY UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2181

SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

Allowable subject matter

Applicants acknowledge that claims 1-34 are allowed and that claims 35-46 are rejected only under 35 U.S.C. § 101 as discussed in detail below.

Entry of Amendments via Expedited Procedure

Applicants respectfully request the Examiner to enter the proposed amendments without requiring a Request for Continued Examination (RCE) as the amendments merely adopt the recommendations of the Examiner, discussed below, to put the present application in condition for allowance.

Claims 35-46 rejected under 35 U.S.C. § 101

The Office Action rejected claims 35-46 under 35 U.S.C. § 101 as being directed toward “non-statutory subject matter.” In particular, the Office Action states that the claims which, recite an “integrated compiler,” could be interpreted to be, “merely software per se,” which the Office Action alleges, is not by itself, “a process, machine, manufacture, or composition of matter.”

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The Examiner suggested that Applicants amend the claim to “either have the compiler on a computer readable storage medium or limit[] the compiler to be a physical computer for compiling code instead of merely software.”

Applicants have amended the language of independent claim 35 to clarify that the claim scope is limited to that of a “physical computer for compiling code,” as suggested by the Examiner. In particular, Applicants have amended the preamble of independent claim 35 to recite:

A **system comprising a processor** to execute a compiler integrated with the system **and a computer-readable storage medium** having a group of instructions stored thereon, wherein the compiler integrated with the system comprises

A “system” comprising both a “processor” and a “computer-readable storage medium” finds support in Applicants’ specification as originally filed, for example, at page 16, lines 7-17 teaching in pertinent part:

The techniques described herein are not limited to any particular hardware or software configuration; they may find applicability in any computing or processing environment. The techniques may be implemented in hardware, software, firmware or a combination thereof. **The techniques may be implemented in programs executing on programmable machines such as mobile or stationary computers, personal digital assistants, and similar devices that each include a processor, a storage medium readable or accessible by the processor** (including volatile and non-volatile memory and/or storage elements), at least one input device, and one or more output devices. . . .

Thus, Applicants teach and claim a “system comprising a processor . . . and a computer-readable storage medium” Applicants respectfully submit that a “system” having both a “processor” and “computer-readable storage medium,” as Applicants recite in claim 35, is at least a “machine” or a “manufacture” under 35 U.S.C. § 101, and thus, is directed toward patentable subject matter in accordance with 35 U.S.C. § 101. Dependent claims 36-46 directly

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or indirectly incorporate the limitations of independent claim 35, and thus, are likewise directed toward patentable subject matter.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 35-46.

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CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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Date: July 16, 2008

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